

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CANDACE SMITH,

Plaintiff,

v.

SPICY MAYO RESTAURANT, et al.,

Defendants.

Case No. 1:25-cv-00159-KES-HBK

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

Doc. 6

Plaintiff Candace Smith is proceeding pro se and in forma pauperis in this action filed on February 7, 2025. Doc. 1. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 21, 2025, the assigned magistrate judge screened the complaint and found that it did not set forth a basis for subject matter jurisdiction and otherwise failed to state a cognizable claim for relief. *See* Doc. 4. The screening order granted plaintiff leave to file an amended complaint. *Id.* at 5. On March 18, 2025, plaintiff filed a first amended complaint. Doc. 5. On March 20, 2025, the assigned magistrate judge issued findings and recommendations, finding that the first amended complaint did not cure the identified deficiencies and recommending that it be dismissed without leave to amend. Doc. 6.

The findings and recommendations were served on plaintiff and contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days from

1 the date of service. *Id.* at 8. On April 24, 2025, plaintiff untimely filed objections. Doc. 7. The
2 objections do not address the magistrate judge's findings that plaintiff's complaint fails to state a
3 cognizable claim and fails to establish diversity jurisdiction, and do not otherwise provide any
4 other arguable basis to find that the findings and recommendations were erroneous. *See id.*

5 In accordance with the provisions of 28 U.S.C. § 636 (b)(1), the Court has conducted a de
6 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings
7 and recommendations are supported by the record and proper analysis.

8 Accordingly, IT IS ORDERED that:

- 9 1. The findings and recommendations issued on March 20, 2025, Doc. 6, are ADOPTED
10 IN FULL;
11 2. Plaintiff's first amended complaint, filed March 18, 2025, Doc. 5, is DISMISSED
12 without leave to amend; and
13 3. The Clerk of the Court is DIRECTED to close this case.

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16 IT IS SO ORDERED.

17 Dated: May 14, 2025


UNITED STATES DISTRICT JUDGE